

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to licensing regulation, fees, veterans and military spouses

The Plumbing and Mechanical Systems Board hereby amends Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” and Chapter 35, “Plumbing and Mechanical Systems Board—Alternative Licensure Pathways,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 105 and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

These amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383. This rule making revises the requirements for licensure by verification and updates the requirements and parameters of licensure for veterans and their spouses.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 16, 2022, as **ARC 6646C**. The Board received six public comments relevant to these amendments. One commenter was supportive of the amendments. One commenter questioned why the fee waiver was limited to people discharged in the last five years and did not apply to all honorably discharged veterans. Two commenters were not supportive of any fee waiver for any veteran. One commenter was not supportive of the fee waiver for those under the federal poverty level. One commenter questioned whether the amendment related to license by verification was intended to make it harder for out-of-state contractors to work in Iowa. In response to all of these comments, the Board again states that this rule making is necessary to comply with and implement 2022 Iowa Acts, Senate File 2383. Therefore, no changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on January 24, 2023.

Fiscal Impact

This rule making will have limited fiscal impact. The provisions of this rule making waive the initial application and renewal fees for veterans who were honorably or generally discharged within the previous five years; however, the overall number of applications that meet these criteria is low.

Jobs Impact

After analysis and review of this rule making, there may be a positive impact on jobs since it streamlines and removes some of the requirements related to licensure by verification. Additionally, it clearly provides an alternative pathway to licensure of spouses of veterans when moving to Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to the Board's general waiver provisions contained in 641—Chapter 31.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 12, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 641—28.3(105) as follows:

641—28.3(105) Waiver of fees. Fee waivers are available under the following circumstances:

a. The board shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

b. For an applicant who has been honorably or generally discharged from federal active duty or national guard duty, the board shall waive an initial application fee and one renewal fee if those fees would otherwise be charged within five years of the discharge.

ITEM 2. Amend subrule 35.4(1) as follows:

35.4(1) Eligibility. A person may seek licensure by verification if all of the following criteria are satisfied:

a. The person is licensed, certified, or registered in at least one other issuing jurisdiction;

~~*b.* The person has been licensed, certified, or registered by another issuing jurisdiction for at least one year;~~

~~*c.* The scope of practice in the transferring jurisdiction is substantially similar to the scope of practice in Iowa;~~

~~*d.* The person's license, certification, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration; and~~

~~*e.* *d.* The person either:~~

~~(1) Establishes residency in the state of Iowa; or~~

~~(2) Is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/8/23.